

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MYRON BASS,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 14-2856-JTF/tmp
)	
DELTA MEDICAL HOSPITAL and)	
CHARGE NURSE TONYA,)	
)	
Defendants.)	
)	

REPORT AND RECOMMENDATION

On October 29, 2014, Myron Bass, a resident of Memphis, Tennessee, filed a *pro se* complaint along with a motion seeking leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) Plaintiff's motion to proceed *in forma pauperis* was not accompanied by an affidavit as required by 28 U.S.C. § 1915 and 28 U.S.C. § 1746. On October 30, 2014, the court entered an order directing plaintiff to file a properly completed application to proceed *in forma pauperis* or pay the civil filing fee, within thirty (30) days from the date of the order. Plaintiff was warned that failure to comply in a timely manner with the order would result in dismissal of his complaint without further notice, pursuant to Fed. R. Civ. P. 41, for failure to prosecute. (ECF No. 5.)

The October 30 order was mailed to plaintiff's address of record on October 31, 2014. On November 5, 2014, plaintiff filed a

notice of a change of address, listing his new address as 221 West Saint John Road, Proctor, Arkansas 72376. The October 30 order was then mailed to plaintiff's new address on November 25, 2014. Plaintiff did not file an *in forma pauperis* affidavit or pay the filing fee. On January 5, 2015, the court entered an Order to Show Cause directing plaintiff to file a properly completed application to proceed *in forma pauperis* or pay the filing fee by no later than January 25, 2015. Plaintiff was again warned that failure to comply with the order would result in a recommendation to the District Judge that his complaint be dismissed for failure to prosecute. Despite these warnings, plaintiff has not filed an *in forma pauperis* affidavit or paid the civil filing fee. Based on plaintiff's failure to comply with the court's orders, it is recommended that plaintiff's complaint be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

Respectfully submitted,

s/ Tu M. Pham
TU M. PHAM
United States Magistrate Judge

January 27, 2015
Date

NOTICE

WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THIS REPORT AND RECOMMENDED DISPOSITION, ANY PARTY MAY SERVE AND FILE SPECIFIC WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS. ANY PARTY MAY RESPOND TO ANOTHER PARTY'S

OBJECTIONS WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); L.R. 72.1(g)(2). FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND FURTHER APPEAL.